

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RUBY TURNER, DONNA MCCOY,  
and WILMA TERRY,

Plaintiffs,

vs.

Civ. No. 98-859 DJS/WWD

DC, LIMITED LIABILITY COMPANY,  
d/b/a DATA CHEK, RON STORY and  
LISA STOREY, Husband and Wife,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon the Motion to Compel Discovery Responses, to Strike or Deem Admitted Answers to Requests for Admissions, and Request for Sanctions [21] filed by Defendants on May 27, 1999. No response to the motion has been filed. Failure to serve a response in opposition to any motion constitutes consent to grant the motion. D.N.M. LR-Civ. 7.5(b).

**WHEREFORE,**

**IT IS ORDERED** that on or before June 23, 1999, Plaintiffs Ruby Turner, Donna McCoy, and Wilma Terry shall serve full and complete answers to interrogatories as follows:

Turner shall answer interrogatories numbered 4, 6, and 10; McCoy shall answer interrogatories numbered 4, 7, and 9; and Terry shall answer interrogatories numbered 4 and 9.

**IT IS FURTHER ORDERED** that on or before June 23, 1999, Turner, McCoy and Terry shall each serve upon Defendants true and correct copies of all documents sought in the Defendants' First Request for Production to the particular Plaintiff; provided, that in the event the particular Plaintiff has no document called for under a particular request, the Plaintiff responding to the request shall so indicate in a formal response to the request for production.

**IT IS FURTHER ORDERED** that the portion of the instant motion seeking to have admitted answers to requests for admissions be, and it hereby is, DENIED.

**FINALLY, IT IS ORDERED** that the portion of the instant motion seeking sanctions be, and it hereby is, deferred until the Court is advised as to the Plaintiffs' performance in connection with this Order.

  
UNITED STATES MAGISTRATE JUDGE